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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20350	7590	08/28/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			WON, MICHAEL YOUNG	
TWO EMBARCADERO CENTER				
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SAN FRANCISCO, CA 94111-3834			2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/045,182	Applicant(s) LI ET AL.	
	Examiner Michael Y. Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Request for Continued Examination and Amendment filed July 24, 2006.
2. Claims 6, 11, and 15 have been amended and no new claims have been added.
3. Claims 1-19 have been examined and are pending with this action.

Response to Amendment

4. The declaration filed on February 14, 2006 under 37 CFR 1.131 is sufficient to overcome the Kidder et al. (US 6,880,086 B2) and Christian et al. (US 6,854,010 B1) references. With regard to the explanation provided in the Amendment, the declaration provided sufficient factual evidence of Conception and Reduction to Practice.
5. The evidence provided with the declaration filed on February 14, 2006 under 37 CFR 1.131, specifically the Patent Abstract, indicates that another inventor has been redacted. 35 CFR 1.45 has been reproduced to show that joint inventors must apply for a patent jointly. The only exception would be under 37 CFR 1.47.

37 CFR 1.45 - Joint inventors

(a) Joint inventors must apply for a patent jointly and each must make the required oath or declaration; neither of them alone, nor less than the entire number, can

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apply for a patent for an invention invented by them jointly, except as provided in § 1.47.

(b) Inventors may apply for a patent jointly even though

(1) They did not physically work together or at the same time,

(2) Each inventor did not make the same type or amount of contribution, or

(3) Each inventor did not make a contribution to the subject matter of every claim of the application.

(c) If multiple inventors are named in a nonprovisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter of at least one claim of the application and the application will be considered to be a joint application under 35 U.S.C. 116. If multiple inventors are named in a provisional application, each named inventor must have made a contribution, individually or jointly, to the subject matter disclosed in the provisional application and the provisional application will be considered to be a joint application under 35 U.S.C. 116.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 15 and 16, previously rejected under 35 USC 112, second paragraph, has been withdrawn based on the amendment to claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5-11, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch et al. (US 5,566,326 A) in view of Macera et al. (US 5,490,252 A).

INDEPENDENT:

As per **claim 1**, Hirsch teaches a method for synchronizing circuit related objects between a network management system (NMS) (see Fig.1a & Fig.1b; and col.3, lines 40-44: “operates under the control of non-proprietary operating system”) and a network control processor (NCP) (see col.3, lines 40-44: “includes a plurality of input/output devices”), the method comprising:

translating data for the circuit related objects from binary data to ASCII data (see col.118, lines 58-64: “designate whether a file is being copied as binary file or as a text (ASCII) file and said copy command handler means including means for converting file transferred from said host file system into a format designated”);

receiving into the network management system server the ASCII data from the network control processor (implicit: see col.7, lines 30-35: “monitor calls”; col.11, lines 25-28 & 49-52; and col.12, lines 13-17: “binary or text”);

parsing the ASCII data (see col.12, lines 1-7: “retrieves the arguments and parses them”); and

storing the ASCII data in a network management system database (see col.11, lines 55-58: “entry will have been stored”).

Hirsch does not explicitly teach that the translating step is performed in the network control processor.

Macera teaches of translating step that is performed in the network control processor (see col.6, lines 38-42: "typically is converted to an appropriate output packet format by an output network interface module and transmitted to the output network").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Macera within the system of Hirsch by implementing translating at the network control processor within the method for synchronizing circuit related objects because such functionality is subjective since one of ordinary skill in the art knows that ASCII data is simply binary data that happens to contain only printable characters and that all digital data is actually binary data. Therefore whether the conversion process is performed at the NCP or NMS is subjective so long as the highest performance throughput can be achieved (see Macera: col.6, lines 42-45).

As per **claim 10**, Hirsch teaches a computer-readable medium carrying one or more sequences of one or more instructions for synchronizing circuit related objects between a network management system (NMS) (NMS) (see Fig.1a & Fig.1b; and col.3, lines 40-44: "operates under the control of non-proprietary operating system") and a network control processor (NCP) (see col.3, lines 40-44: "includes a plurality of input/output devices"), the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of:

translating data for the circuit related objects from binary data to ASCII data (see col.118, lines 58-64: “designate whether a file is being copied as binary file or as a text (ASCII) file and said copy command handler means including means for converting file transferred from said host file system into a format designated”);

receiving into the network management system server the ASCII data from the network control processor (implicit: see col.7, lines 30-35: “monitor calls”; col.11, lines 25-28 & 49-52; and col.12, lines 13-17: “binary or text”);

parsing the ASCII data (see col.12, lines 1-7: “retrieves the arguments and parses them”); and

storing the ASCII data in a network management system database (see col.11, lines 55-58: “entry will have been stored”).

Hirsch does not explicitly teach that the translating step is performed in the network control processor.

Macera teaches of translating step that is performed in the network control processor (see col.6, lines 38-42: “typically is converted to an appropriate output packet format by an output network interface module and transmitted to the output network”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Macera within the system of Hirsch by implementing translating at the network control processor within the program for synchronizing circuit related objects because such functionality is subjective since one of ordinary skill in the art knows that ASCII data is simply binary data that happens to contain only printable characters and that all digital data is actually binary data.

Therefore whether the conversion process is performed at the NCP or NMS is subjective so long as the highest performance throughput can be achieved (see Macera: col.6, lines 42-45).

As per **claim 19**, Hirsch teaches a method for synchronizing circuit related objects between a network management system (NMS) (NMS) (see Fig.1a & Fig.1b; and col.3, lines 40-44: “operates under the control of non-proprietary operating system”) and a network control processor (NCP) (see col.3, lines 40-44: “includes a plurality of input/output devices”), the method comprising:

sending a command for translating data for the circuit related objects from binary data to ASCII data, (see col.118, lines 58-64: “designate whether a file is being copied as binary file or as a text (ASCII) file and said copy command handler means including means for converting file transferred from said host file system into a format designated”);

receiving into the network management system server (NMS) the ASCII data from the network control processor (implicit: see col.7, lines 30-35: “monitor calls”; col.11, lines 25-28 & 49-52; and col.12, lines 13-17: “binary or text”); and

storing the ASCII data in a network management system database (see col.11, lines 55-58: “entry will have been stored”), wherein a data structure in the network management system database is synchronized with the ASCII data for the circuit related objects (see col.7, lines 25-30).

Hirsch does not explicitly teach that the command is sent to the NCP, wherein translating step is performed in the NCP.

Macera teaches that the command is sent to the NCP (implicit: see col.16, lines 40-41), wherein translating step is performed in the NCP (see col.6, lines 38-42: “typically is converted to an appropriate output packet format by an output network interface module and transmitted to the output network”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Macera within the system of Hirsch by implementing translating at the NCP within the method for synchronizing circuit related objects because such functionality is subjective since one of ordinary skill in the art knows that ASCII data is simply binary data that happens to contain only printable characters and that all digital data is actually binary data. Therefore whether the conversion process is performed at the NCP or NMS is subjective so long as the highest performance throughput can be achieved (see Macera: col.6, lines 42-45).

DEPENDENT:

As per **claims 2 and 11**, Hirsch further teaches wherein the data for the circuit related objects is stored in an ASCII persistence table in the network control processor (see col.6, lines 19-23).

As per **claims 5 and 14**, Hirsch further teaches wherein an accessible directory in a host machine has a remote machine's host name and a user name (see col.6, lines

35-40), wherein the network management system is the remote machine, and wherein the network control processor is the host machine (subjective).

As per **claims 6 and 15**, Hirsch further teaches wherein the format of an ASCII persistence table is a plain text file which maintains all available records for a type of circuit related object in the network control processor (see col.6, lines 19-23), and wherein each record includes a unique key and group of names with corresponding values, and each unique key is used to identify an individual circuit.

As per **claims 7 and 16**, Hirsch further teaches wherein the step of parsing comprises: reading records from the ASCII persistence table; and parsing the records to a network management system desired format (see col.12, lines 1-7).

As per **claims 8 and 17**, Hirsch teaches of further comprising comparing the ASCII data with a corresponding circuit related object table already in the network management system database (see col.118, lines 21-29).

As per **claims 9 and 18**, Hirsch teaches of further comprising:
detecting a mismatch between the ASCII data and the corresponding circuit related object table; and

updating the network management system database accordingly (see col.10, lines 7-9).

8. Claims 3, 4, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch et al. (US 5,566,326 A) and Macera et al. (US 5,490,252 A) further in view of Hamilton, II et al. (US 6,633,977 B1).

As per **claims 3 and 12**, Hirsch and Macera do not explicitly teach wherein the step of translating data comprises receiving a "rsh" UNIX command to translate the persistence table from a binary persistence table to an ASCII persistence table.

Hamilton, II teaches of an "rsh" UNIX command (see col.10, lines 55-57).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Hamilton, II within the system of Hirsch and Macera by implementing a "rsh" command within the method and computer-readable medium carrying one or more sequences of one or more instructions for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP) because Hirsch teaches that the preferred embodiment of the system is a UNIX operating system developed by IBM (see Hirsch: col.3, lines 44-47) and further teaches of commands within the system (see Hirsch: col.3, line 63-col.4, line 1).

As per **claims 4 and 13**, Hirsch and Macera do not explicitly teach wherein the step of receiving the ASCII data comprises receiving a "rcp" UNIX command to copy the ASCII persistence table to a network management system database.

Hamilton, II teaches of an "rcp" UNIX command (see col.9, lines 26-33).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Hamilton, II within the system of Hirsch and Macera by implementing a "rcp" command within the method and computer-readable medium carrying one or more sequences of one or more instructions for synchronizing circuit related objects between a network management system (NMS)

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and a network control processor (NCP) because Hirsch teaches that the preferred embodiment of the system is a UNIX operating system developed by IBM (see Hirsch: col.3, lines 44-47) and further teaches of commands within the system (see Hirsch: col.3, line 63-col.4, line 1).

Response to Arguments

9. Applicant's arguments with respect to claims 1, 10, and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 2, 5-11, and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch et al. (US 5,566,326 A) in view of Macera et al. (US 5,490,252 A) and claims 3, 4, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch et al. (US 5,566,326 A) and Macera et al. (US 5,490,252 A) further in view of Hamilton, II et al. (US 6,633,977 B1) (see rejections above).

For the reasons above claims 1-19 remain rejected and pending.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

A handwritten signature in black ink, appearing to read 'Michael Won', with a stylized, cursive script.

August 22, 2006